IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1452 OF 2006

Chandrakant Achyut Gurjar & Ors. ...Applicants

Versus

The State of Maharashtra & Anr. ...Respondents

Shri S.M.Mishra for the Applicants.
Shri S.R.Shinde, A.P.P for the State.
Shri A.A.Jambotkar for the Respondent No.2

CORAM : A. S. OKA, J.

DATE : DECEMBER 07, 2006.

P.C.:

1. Rule. The learned A.P.P waives service for the State. The learned Advocate for the second Respondent waives service. This Application under section 482 of the Code of Criminal Procedure, 1973 is for quashing the F.I.R filed by the second Respondent with Dindoshi Police Station, Mumbai alleging commission of offence under section 498-A of the Indian Penal Code against the Applicants.

2. The first Applicant is the husband of the second Respondent. It is stated in the Application that now there is a complete settlement between the first Applicant and the second Respondent and in fact

consent terms are filed before the Family Court duly signed by the first Applicant and the second Respondent. It is stated that parties are seeking divorce by mutual consent.

3. The second Respondent has filed an affidavit-in-reply. In paragraph Nos.2 and 3 the second Respondent has stated thus:

> "2. I state that in view of the settlement of the disputes between us, I and the Petitioner No.1 filed consent terms for divorce by mutual consent, on the terms and condition mentioned therein and annexed as exhibit B to the petition, which is pending.
>
> 3. In view of the amicable settlement between myself and the Petitioner No.1, the proceedings against the Petitioners initiated in pursuance of my F.I.R, vide C.C.No.1255/P/01 {Exhibit to the petition} be quashed".

4. It is, therefore, apparent that registration of

F.I.R was the outcome of matrimonial dispute between the first Applicant and the second Respondent. In view of the complete settlement between the parties, continuation of criminal proceeding will cause sheer harassment to both the parties. Hence, a case is made out for exercising power under section 482 of the Code of Criminal Procedure, 1973.

5. Hence, I pass the following order:

. Rule is made absolute in terms of prayer clause (b).

JUDGE